

PATENT  
PD000032

CUSTOMER NO.: 24498  
 Serial No. 09/898,150  
 Response to Final Office Action dated 11/07/06  
 Response dated: 1/16/07

REMARKS

In the Office Action, the Examiner noted that claims 22-27, 31-38 and 40 are pending in the application and that claims 22-27, 31-38 and 40 stand rejected. By this response, claims 26, 36 and 40 are cancelled and claims 22, 31 and 38 are amended to more clearly define the invention of the Applicant and not in response to prior art.

In view of the amendments presented above and the following discussion, the Applicant respectfully submits that none of these claims now pending in the application are rendered obvious under the provisions of 35 U.S.C. § 103. Thus the Applicant respectfully submits that all of these claims are now in allowable form.

Rejections**A. 35 U.S.C. § 103**

The Examiner rejected claims 22-24, 27, 31-35 and 37-38 under 35 U.S.C. 103(a) as being unpatentable over Bakx (U.S. Patent No. 5,072,435) in view of Okazaki et al. (U.S. Patent No. 5,831,947, hereinafter "Okazaki"). The rejection is respectfully traversed.

Regarding claim 22, the Examiner alleges that Baks teaches a method for reducing an initialization time of an apparatus for reading from and/or writing to an optical recording medium, the optical recording medium having identification information data which enables the identification of the optical recording medium including all of the aspects of the Applicant's claim except that Baks does not teach the specific adjustment values associated with track or focus control. As such the Examiner cites Okazaki for teaching the tracking or focus control of the Applicant's invention and specifically claim 22. The Applicant respectfully disagrees.

The Applicant respectfully submits, however, that the teachings of Bakx and Okazaki, alone or in any allowable combination, absolutely fail to render obvious at least the Applicant's amended claim 22, which specifically recites:

"A method for reducing an initialization time of an apparatus for reading from and/or writing to an optical recording medium, said optical recording medium having identification data which enables the identification

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of the optical recording medium individually among at least optical recording media of the same type, the method comprising:

detecting the identification data of an optical recording medium inserted into said apparatus to identify said optical recording medium;

determining if adjustment values associated with tracking or focus control for reading from and writing to the identified optical recording medium are accessibly stored for said apparatus;

in response to identifying stored adjustment values for said apparatus, setting tracking or focus control and regulating circuits of said apparatus in accordance with the stored adjustment values; and

in response to determining that adjustment values for said apparatus are not accessibly stored, initializing said apparatus to determine respective adjustment values for the tracking or focus control and regulating circuits of said apparatus such that said apparatus is able to optimally read from and write to the identified optical recording medium, and respectively storing the determined adjustment values for said apparatus and the corresponding identification data of said identified optical recording medium;

wherein the content of a BCA data area on the recording medium is used as the identification data;

wherein the step of detecting the identification data comprises coarsely focusing an objective lens of the apparatus and displacing an optical scanner of the apparatus into a position which is predetermined for the BCA data area; and

wherein the identification data is detected without track regulation."

The amendments to the Applicant's independent claims herein, restrict the independent claims to the case of BCA being used, positively recites the claim elements of "coarsely focusing", of "displacing into a position predetermined for BCA" and of "without track regulation", as supported by the description and avoids the unsupported notion of "fine focusing" as objected to by the Examiner. More specifically, support for the Applicant's amendments herein can be found throughout the Applicant's Specification and specifically on page 5, line 23 through page 6, line 6 and on page 7, lines 19-36.

The Applicant respectfully submits that neither Bakx nor Okazaki, alone or in any allowable combination, teaches, suggests or renders obvious "wherein the content of a BCA data area on the recording medium is used as the identification data", "wherein the step of detecting the identification data comprises coarsely focusing an objective lens of the apparatus and displacing an optical scanner of the apparatus into a position which is predetermined for the BCA data area" and

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"wherein the identification data is detected without track regulation" as taught in the Applicant's Specification and claimed by at least the Applicant's claim 22. More specifically, Bakx and Okazaki, alone or in any allowable combination, fail to teach, suggest or renders obvious that the step of detecting the identification data comprises coarsely focusing an objective lens of the apparatus and displacing an optical scanner of the apparatus into a position which is predetermined for the BCA data area" nor that "the identification data is detected without track regulation as taught in the Applicant's Specification and claimed by at least the Applicant's amended claim 22.

More specifically, in contrast to the invention of the Applicant, Bakx teaches a "customary read/write head" (column 3, line 22). Together with the description of the read circuit in (col. 11, lines 12-34), Bakx contains nothing to indicate that a procedure different from a customary read procedure is used. This is not surprising, because Bakx aims at improved writing adjustment alone (col. 1, line 36).

Okazaki, in contrast to the Applicant's invention, does not employ the notion of disk identification data at all. In all of Okazaki, the "medium No." is assumed to be provided by the "host computer" (Figs 4, 7). Nowhere in Okazaki is disk information data being read from the disk. This is not surprising because Okazaki considers a disk changer context where the lifetime of the "learned control parameters" (col. 4, lines 51-59) is only while a disk is sitting in the changer (col. 12, lines 59-65), maybe even shorter than that (col. 13, lines 1-4). When a user has inserted a new magazine, as detected by a door operation sensor or alike, new control parameters are determined and stored for all disks of the magazine, indiscriminately (col. 7, lines 32-63; col. 9, lines 22-36; and col. 9, lines 61-85).

Furthermore, the Applicant traverses the Examiner's statement in the Jan 25, 2006 Office Action, namely that p. 5 of the application "only describes the advantage of the known BCA information". In the Applicant's Specification, the sentence "It is particularly advantageous if the content of the BCA data area is read as the identification information" (page 5, lines 23-24) relates to the teachings that "identification information is detected" (page 5, lines 6-9) in the description of the invention (page 4, line 6). Similarly, the teachings of "this is expediently done

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by displacing the optical scanner into a position which is predetermined for the BCA information or another information item which identifies the individual recording medium" (page 6, lines 3-7) relates to the teaching of "the corresponding identification information of the respective recording medium is detected in order to identify the recording medium" (page 4, lines 7-9) in the Applicant's Specification.

Therefore, the Applicant submits that for at least the reasons recited above independent claim 22 is not rendered obvious by the teachings of Bakx and Okazaki, alone or in any allowable combination, and, as such, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

Likewise, independent claims 31 and 38 recite similar relevant features as recited in the Applicant's independent claim 22. As such, the Applicant submits that for at least the reasons recited above independent claims 31 and 38 are also not rendered obvious by the teachings of Bakx and Okazaki, alone or in any allowable combination, and also fully satisfy the requirements of 35 U.S.C. § 103 and are patentable thereunder.

Furthermore, dependent claims 23-24, 27 and 32-35 depend either directly or indirectly from independent claims 22 and 31 and recite additional features therefor. As such and for at least the reasons set forth herein, the Applicant submits that dependent claims 23-24, 27 and 32-35 are also not rendered obvious by the teachings of Bakx and Okazaki, alone or in any allowable combination. Therefore the Applicant submits that dependent claims 23-24, 27 and 32-35 also fully satisfy the requirements of 35 U.S.C. § 103 and are patentable thereunder.

The Applicant reserves the right to establish the patentability of each of the claims individually in subsequent prosecution.

#### **B. 35 U.S.C. § 103**

The Examiner rejected claims 26, 36 and 40 under 35 U.S.C. § 103(a) as being unpatentable over Bakx in view of Okazaki and further in view of Shim (U.S. Patent 6,608,804).

The Applicant has herein cancelled claims 26, 36 and 40. Therefore the Applicant submits that the basis for the Examiner's rejection has been removed.

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Conclusion

Thus the Applicant submits that none of the claims, presently in the application, are obvious under the provisions of 35 U.S.C. § 103. Consequently, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

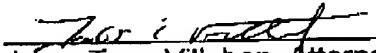
If however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion, it is respectfully requested that the Examiner telephone the undersigned.

Please charge any unpaid, additional fees to Deposit Account No. 07-0832.

Respectfully submitted,

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January 16, 2007